

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CAPELLA PHOTONICS, INC.,

NO. 2:20-cv-77-JRG

Plaintiff

v.

INFINERA CORPORATION, TELLABS,
INC., TELLABS OPERATIONS INC.,
CORIANT AMERICA INC., and CORIANT
(USA) INC.,

Defendants.

**PLAINTIFF CAPELLA PHOTONICS, INC.'S OBJECTIONS AND RESPONSES
TO DEFENDANTS' FIRST SET OF INTERROGATORIES (NOS. 1-20)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff, Capella Photonics, Inc. ("Capella"), hereby objects and responds to the First Set of Interrogatories (Nos. 1-20) of Defendants Infinera Corporation, Tellabs, Inc., Tellabs Operations Inc., Coriant America Inc., and Coriant (USA) Inc. (collectively, "Infinera"), as follows:

PRELIMINARY STATEMENT

Capella states that discovery in this matter is ongoing and will continue as long as permitted by statute, stipulation or Order of the Court. Capella expects that this ongoing discovery, as well as its own investigation, will lead to additional relevant evidence. Capella reserves its right to supplement and modify its responses to these interrogatories, and to introduce at trial or any other proceeding any evidence from any source and testimony from any witness.

Capella further states that it is making a good-faith effort to respond to these interrogatories; and that it is responding as it interprets and understands them based only upon such information as is presently available to, and specifically known by, Capella. If Infinera

INTERROGATORY NO. 16:

Identify and describe any past or future compensation, consideration, or other financial interest in Capella, the Asserted Patents, Predecessor Patents, or any Related U.S. or Foreign Patents, held by any Persons identified in response to Interrogatory No. 15, including Larry Schwerin, Barry Young, and Joseph Davis, since 2000, including any compensation tied to the valuation, sale, or other acquisition of Capella, the Asserted Patents, Predecessor Patents, or any Related U.S. or Foreign Patents.

RESPONSE TO INTERROGATORY NO. 18:

Capella objects to Interrogatory No. 18 on the grounds that it is vague, ambiguous and unintelligible. Capella also objects to this interrogatory as containing improper multiple subparts. Capella also objects to this interrogatory to the extent it seeks the legal bases for its contentions. Subject to the forgoing objections, Capella has not identified anyone in response to Interrogatory No. 15.

INTERROGATORY NO. 17:

For each of Your theories of infringement under the doctrine of equivalents set forth in Your Disclosure of Asserted Claims and Infringement Contentions, served May 25, 2020, and any amendments or supplements thereto, provide a hypothetical claim encompassing the alleged equivalent, and provide and explain any contention You have that such hypothetical claim does not ensnare the prior art, specifically addressing at least each of the prior art references identified in the appendices to Infinera's Invalidity Contentions, served August 10, 2020, and any amendments or supplements thereto.

RESPONSE TO INTERROGATORY NO. 19:

Capella objects to Interrogatory No. 19 to the extent it seeks information protected by the

attorney-client privilege, the work product doctrine, and/or any other privilege or immunity.

Capella also objects to this interrogatory as vague and ambiguous. Capella also objects to this interrogatory as overly broad and unduly burdensome. Capella also objects to this interrogatory as containing improper multiple subparts. Capella further objects to this interrogatory on the grounds that it is premature because the parties have not completed expert discovery. Capella also objects on the grounds that the interrogatory is premature as Capella's response depends on the court's claim constructions. Capella will provide its theories of infringement under the doctrine of equivalents in connection with expert discovery in this matter.

Capella reserves its right to supplement and modify its responses to this interrogatory as additional relevant evidence is identified through its ongoing investigation.

INTERROGATORY NO. 18:

Identify and describe all efforts by You to mark Capella Products with the Asserted Patents, or any other actions undertaken to comply with 35 U.S.C. § 287, whether by Capella or a licensee to any of the Asserted Patents.

RESPONSE TO INTERROGATORY NO. 20:

Capella objects to Interrogatory No. 20 to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, and/or any other privilege or immunity. Capella also objects to this interrogatory as vague and ambiguous. For example, the phrase "all efforts by You to mark" is not defined, and is subject to multiple interpretations. Capella also objects to this interrogatory as overly broad and unduly burdensome. Capella also objects to this interrogatory as overly broad and unduly burdensome. Capella also objects to this interrogatory as containing improper multiple subparts.

Subject to the forgoing objections, Capella responds as follows: Capella responds that

the requirements of 35 U.S.C. § 287 were satisfied when Capella sued Infinera for patent infringement in 2014.

Capella reserves its right to supplement and modify its responses to this interrogatory as additional relevant evidence is identified through its ongoing investigation.

Dated: November 9, 2020

By: /s/ Robert D. Becker
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Attorneys for Plaintiff,
CAPELLA PHOTONICS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on all counsel of record who have consented to electronic service on this 9th day of November, 2020.

/s/ Christopher L. Wanger
Christopher L. Wanger

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